



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590



MAY 02 1995

REPLY TO THE ATTENTION OF:

HSE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dennis Egan
President
Service Welding and Ship Building
P.O. Box 669
Lemont, Illinois 60439

Subject: Service Welding and Ship Building, Lemont, Illinois
Request for Information Pursuant to Sections 311 and
308 of the Clean Water Act, 33 U.S.C. §§ 1321 and 1318.

Dear Mr. Egan:

The United States Environmental Protection Agency ("USEPA") is currently investigating the source, extent and nature of the discharge of oil or hazardous substances into or upon the navigable waters of the United States from the Service Welding and Ship Building facility, located at Old Canal Road, Lemont Illinois 60439, hereinafter referred to as the "facility". This investigation requires inquiry into the events which surrounded the release of oil or hazardous substances.

Pursuant to the authority of Sections 311(m) and 308(a) of the Clean Water Act ("the Act"), 33 U.S.C. §§ 1321(m) and 1318, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within fifteen (15) days of receipt of this letter can result in enforcement action by USEPA pursuant to Section 309 of the Act, 33 U.S.C. § 1319, which authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by USEPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. § 1001. The USEPA has the authority to use the information requested herein in an administrative, civil or criminal action.



This Information Request is directed to your company, its officers, directors, and employees and its subsidiaries, divisions, facilities and their officer, directors and employees. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Part 35.

Your response to this Information Request should be mailed to:

Ms. Barbara A. Carr, Ph. D.
SPCC Coordinator
U.S. Environmental Protection Agency, HSE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604

Please direct any technical questions you may have to Ms. Carr at (312) 886-7187 and legal questions to Mr. Felipe Gomez at (312) 886-6833.

Due to the seriousness of the problem at the facility and the legal ramifications of your failure to respond promptly and properly, USEPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely yours,
ORIGINAL SIGNED BY
WILLIAM E. MUNO

William E. Muno
Director, Waste Management Division

Enclosure

Request for Information
Pursuant to Sections 311(m) and 308 of the Act

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to USEPA. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, respondent must notify USEPA as soon as possible.
5. For each document produced in response to this request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Request on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Any written statements in your response must be notarized and returned under an authorized signature certifying that all statements contained in the response are true and accurate to the best of the signatory's knowledge and belief.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
9. USEPA regulations concerning confidentiality and treatment of business information are contained in 40 C.F.R. Part 2, Subpart B. Information may not be withheld from the Administrator or his authorized representative because it is viewed as confidential. However, when requested to do so, the Administrator is required to consider information to be confidential and to treat it accordingly, if disclosure would

divulge methods or processes entitled to protection as trade secrets (33 U.S.C. §§ 1318(b) and 1321(m)(2)(D), and 18 U.S.C. § 1905), except that effluent data (as defined in 40 C.F.R. § 2.302(a)(2)) may not be considered by USEPA as confidential. The regulations provide that one may assert a business confidentiality claim covering part or all of any trade secret information furnished to USEPA at the time such information is provided to the Agency. The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). In the event that a request is made for release of information covered by such claim of confidentiality or the Agency otherwise decides to make a determination as to whether or not such information is entitled to such confidential treatment, notice will be provided to the claimant prior to any release of the information. However, if no claim of confidentiality is made when information is furnished to USEPA, any information submitted to the Agency may be made available to the public without prior notice.

DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. The "facility" shall mean and include the entire property on which Service Welding and Ship Building, Old Canal Road, Lemont, Illinois 60439, is and was located.
4. The term "oil" shall have the same definition as that contained in Section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1).
5. The term "hazardous substances" shall have the same definition as that contained in Section 311(a)(14) of the Act, 33 U.S.C. § 1321(a)(14), including the substances listed in 40 C.F.R. Part 116.
6. The terms "furnish", "describe", or "indicate" shall mean turning over to USEPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an

information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

10. The term "discharge" shall have the same definition as that contained in Section 311(a)(2) of the Act, 33 U.S.C. § 1321(a)(2), which includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

11. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every

document referred to in any other document.

12. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

REQUESTS

Questions regarding oil tank containment area:

1. How was oil, water, or oil and water mixtures that accumulated in the oil tank storage containment area handled, treated, stored or disposed of before the installation of the oil/water separator?
2. Were oil, water, or oil and water mixtures ever discharged into the Sanitary Drainage and Ship Canal? If so, specify the frequency and estimated quantity of discharge.

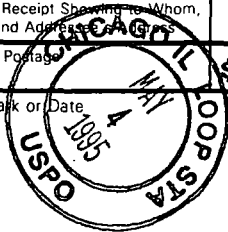
Z 411 903 987

HSE 55 RYCZER

MR. DENNIS EGAN
 PRESIDENT
 SERVICE WELDING AND SHIP BUILDING
 P.O. BOX 669
 LEMONT, ILLINOIS 60439

PS Form 3801

Postage	\$ 55
Certified Fee	1.10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, and Address	
TOTAL Postage & Fees	\$ 275
Postmark or Date	



Is your RETURN in the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

VIS EGAN

WELDING AND SHIP BUILDING

669

ILLINOIS 60439

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4a. Article Number

Z 411 903 987

b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, December 1991

☆U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.